

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JESSE THOMAS FULLER,

Petitioner,

v.

JASON BENNETT,

Respondent.

Case No. 2:24-cv-00983-TL-TLF

REPORT AND
RECOMMENDATION

NOTED FOR SEPTEMBER 9, 2024

On July 2, 2024, Petitioner filed a habeas corpus petition under 28 USC 2241 and an application to proceed *in forma pauperis* (IFP). Dkt 1. On July 30, 2024, the Court ordered Petitioner to show cause why their petition should not be dismissed for failure to exhaust. Dkt. 4. Petitioner's deadline for responding was August 15, 2024. *Id.*

Petitioner has not responded to the Court's order to show cause to date¹. Accordingly, the undersigned recommends that the Court DENY Petitioner's IFP application (Dkt. 1) and dismiss the action without prejudice for failure to prosecute.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of *de novo* review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can

¹ Petitioner requested his "records" in the instant matter and a motion requesting discovery on July 31. Dkt. 4. Petitioner's motion has not been served, however, because he has not been granted IFP.

1 result in a waiver of those objections for purposes of appeal. *See Thomas v. Arn*, 474
2 U.S. 140, 142 (1985); *Miranda v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations
3 omitted). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is
4 directed to set the matter for consideration on **September 9, 2024**, as noted in the
5 caption.

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7 Dated this 23rd day of August, 2024.

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11 Theresa L. Fricke
12 United States Magistrate Judge
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